

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA, : Case No.: 3:16CR45TMR
:
Plaintiff, : MOTION TO CONTINUE PLEA HEARING
:
vs. :
STEVEN SCUDDER, :
:
Defendant. :

Plaintiff United States of America, by and through its counsel of record, the United States Attorney's Office for the Southern District of Ohio, hereby moves the Court to continue defendant's plea hearing. In particular, the United States and defendant's counsel require additional time to continue plea negotiations in this case. The defense has no objection to this motion.

Nor does this proposed motion trigger or otherwise initiate the speedy trial clock applicable to this case. Under the Speedy Trial Act:

the trial of a defendant charged in an information with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs.

18 U.S.C. § 3161(c)(1); see also *United States v. Coviello*, 280 Fed. Appx. 520, 523 (6th Cir. 2008) ("The Speedy Trial Act, 18 U.S.C. §§ 3161-74, requires that the accused be brought to trial within 70 days of the filing of the indictment, or from the date he first appears

before a judicial officer of the court in which the charge against him is pending, whichever date last occurs"). Here, Mr. Scudder has yet to make an initial appearance in this matter or enter any plea to the information. Under these circumstances, the speedy trial clock has yet to start in this matter.

Accordingly, the United States respectfully requests that the Court grant this motion and set this matter for a telephone conference at its earlier convenience.

DATED: June 3, 2016

Respectfully submitted,

BENJAMIN C. GLASSMAN
ACTING UNITED STATES ATTORNEY

s/ Brent Tabacchi
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CERTIFICATE OF SERVICE

I hereby certify that, on June 3, 2016, a copy of the foregoing was served on defendant's counsel via the Court's ECF system.

s/Brent G. Tabacchi
BRENT G. TABACCHI
Assistant United States
Attorney